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Summary record of the 25th meeting
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Chairman: Ms. Astanah Banu (Vice-Chairman) ..... (Malaysia)

Contents

Agenda item 105: Human rights questions (*continued*)*

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)*

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*)*

(e) Report of the United Nations High Commissioner for Human Rights (*continued*)*

* Items which the Committee has decided to consider together.

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In the absence of Mr. Kuchinsky (Ukraine), Ms. Astanah Banu (Malaysia), Vice-Chairman, took the Chair.

The meeting was called to order at 3.15 p.m.

Agenda item 105: Human rights questions (*continued*) (A/59/225, 371 and 425)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/59/255, 319, 320, 323, 327, 328, 341, 360, 366, 377, 385, 401-404, 422, 428, 432, 436 and 525)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/59/256, 269, 311, 316, 340, 352, 367, 370, 378, 389 and 413; A/C.3/59/3)

(e) Report of the United Nations High Commissioner for Human Rights (*continued*) (A/59/36)

1. **Mr. Ndiaye** (Director, New York Office of the High Commissioner for Human Rights) introduced a number of reports submitted under agenda item 105 (b). He said that the report of the Secretary-General on the regional arrangements for the promotion and protection of human rights (A/59/323) described the support provided by the Office of the High Commissioner for Human Rights (OHCHR) to the establishment of regional frameworks and the subregional focus adopted wherever appropriate. Turning to the report of the Secretary-General on the question of enforced or involuntary disappearances (A/59/341), he said that, while in the past that phenomenon had been mainly associated with State policies of authoritarian regimes, it currently occurred in the context of complex situations of internal conflict, and there had been a drastic increase in the number of cases reported in the past two years.

2. The report of the Secretary-General on strengthening the rule of law (A/59/402) noted that the rule of law and respect for human rights were the foundation of sustainable democracy. It provided examples of technical-cooperation projects in 28 countries and described the plans of OHCHR to develop its capacity to offer technical assistance to States in the area of counter-terrorism and emergency measures. In terms of future activities, OHCHR was in the final phase of implementing a project to ensure the centrality of human rights in the administration of justice in post-conflict situations.

3. The report on the right to development (A/59/255) contained information supplementing the report of the High Commissioner for Human Rights on the right to development and endorsed the conclusions and recommendations of the Working Group on the Right to Development. Turning to the report of the Secretary-General on the Subregional Centre for Human Rights and Democracy in Central Africa (A/59/403), he said that the Centre had intensified contacts with partner agencies and institutions and had organized seminars for judges, law-enforcement personnel, the military, journalists, educators and civil society.

4. The report of the High Commissioner on the proposed plan of action for the first phase of the world programme for human-rights education was available in an advance version on the OHCHR web site. The draft plan had been reviewed by specialists from all continents, including representatives of ministries of education, governmental and non-governmental organizations, national human-rights institutions and United Nations agencies. The six main sections and two annexes of the plan provided a general introduction to human-rights education as well as material devoted specifically to human-rights education in the school system.

5. The report of the Secretary-General on the protection of human rights and fundamental freedoms while countering terrorism (A/59/404) surveyed recent activities of OHCHR and the human-rights mechanisms, and emphasized the High Commissioner's belief in the central role of the judiciary in ensuring that counter-terrorism measures complied with international human-rights obligations. The Committee would also have before it a study on the extent to which special procedures and treaty-monitoring bodies were able to address the compatibility of national counter-terrorism measures with international human-rights obligations (ibid., para. 4).

6. The report on the protection of migrants (A/59/328) contained a summary of communications from States providing information on their legal framework in that area. The Secretary-General also

urged Member States to ratify the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the United Nations Convention against Transnational Organized Crime and its Protocols on trafficking in persons and smuggling of migrants.

7. The report on globalization and its impact on the full enjoyment of all human rights (A/59/320) flagged the important contribution of human rights to the discussion of globalization. Adopting a human-rights-based approach to decision-making on trade, financial flows, information and communications or migration would increase the beneficial impact of international economic integration and minimize its harmful consequences.

8. **Mr. Schölvinck** (Director, Division for Social Policy and Development Department of Economic and Social Affairs) said that, although the report of the Ad Hoc Committee on a Comprehensive and Integral International Convention on Protection and Promotion of the Rights and Dignity of Persons with Disabilities (A/59/360) was on the Committee's agenda under human-rights questions and it undoubtedly had a large human-rights component, its content went well beyond human rights, and in future, it might be advisable to address that issue under the item dealing with persons with disabilities. That would increase the visibility of the Convention and also send a clear message on the importance of mainstreaming disability in the overall area of development.

9. In accordance with General Assembly resolution 58/246, paragraphs 7 and 8, he was pleased to report that the work of the Ad Hoc Committee had given the Department of Economic and Social Affairs and OHCHR an opportunity to cooperate closely. Consultations had taken place on a regular basis, and representatives of both offices had taken part in an informal briefing aimed at raising awareness of the Convention process held during the sixtieth session of the Commission on Human Rights.

10. Concerning the Voluntary Fund on Disability, a sub-account had been created established in accordance with General Assembly resolution 57/229 to receive contributions earmarked to support the participation of NGOs and experts from developing countries in the work of the Ad Hoc Committee. As of August 2004, contributions totalling approximately $300,000 had been received from 10 countries, which had made it possible to sponsor the participation of 47 individuals from Africa, Asia and Latin America in the three sessions of the Ad Hoc Committee held during 2004.

11. **Mr. Kyaw Win** (Myanmar) said that Myanmar was a prime example of a country that had been ravaged by colonial wars, a struggle for independence and post-independence armed conflict that had lasted half a century. However, it was fortunate to stand as a peaceful and united country once again. The Government had taken on the challenging task of managing the political evolution to a constitutional democracy.

12. It was regrettable that many of the current human-rights allegations against Myanmar had emanated from splinter groups of former armed insurgents who had diverted their resources into a propaganda war, and that they had mentors in powerful countries continuing to provide them with resources under the guise of improving human rights. His delegation was pleased to report the progress made in the area of human rights over the past decade, since peace had been achieved with 95 per cent of the armed insurgencies.

13. Among milestones in its efforts to improve human rights standards for its people, Myanmar had established an office and various branch offices of the International Committee of the Red Cross, as well as a National Human Rights Committee. In addition, a liaison office of the International Labour Organization (ILO) had been opened. Human-rights education had been introduced into the curricula of middle and high schools. There had been a drastic reduction in the acreage of poppy plantations with a subsequent reduction of output in opium and heroin. Development and rehabilitation was taking place in the war-torn border areas, with campaigns against HIV/AIDS, malaria and tuberculosis and improved living standards. The Myanmar Women's Affairs Federation, whose mandate included promotion and protection of the rights of the child, had been created in 2003. Under the National Health Plan 1996-2001, a high percentage of immunization coverage had been achieved, and the "Education for All" National Action Plan had been implemented. A high-level committee chaired by the secretary of the State Peace and Development Council on the prevention of the recruitment of underage children had issued its plan of action and had invited the UNICEF Resident Representative in Myanmar to

observe first-hand the recruitment process for the all-volunteer armed forces.

14. Myanmar had been one of a handful of countries unfairly subjected to greater scrutiny than others concerning human-rights violations, despite the fact that those allegations had remained unproven. Sadly, partiality, selectivity and even hypocrisy had remained hallmarks of the resolutions on the situation of human rights in his country for some years. Nevertheless, cooperation with the United Nations remained the cornerstone of its foreign policy: the Special Envoy of the Secretary-General had visited 12 times and the Special Rapporteur of the Commission on Human Rights had visited 6 times. The State Peace and Development Council was committed to promoting and protecting the rights of its people until the goal of establishing a modern and prosperous democratic nation was realized.

15. **Mr. Kitaoka** (Japan) said his Government welcomed the appointment by the Commission on Human Rights of a Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, and it offered him its full support. It hoped all the commitments in the Japan-Democratic People's Republic of Korea Pyongyang Declaration of September 2002 would be steadily implemented.

16. Regarding Myanmar, Japan believed recent developments marked potentially significant progress towards national reconciliation and democratization. Japan fully supported the efforts of the Special Envoy of the Secretary-General for Myanmar and called upon Myanmar to receive both the Special Envoy and the Special Rapporteur on the situation of human rights in Myanmar as soon as possible.

17. Japan's experience of working with the Sudan to improve the human-rights situation there meant it was especially concerned about the situation in the Darfur region. His Government had called on the Sudanese Government to act more quickly to resolve the crisis and to take the steps requested by the international community without delay.

18. Japan welcomed Cambodia's ratification of the agreement with the United Nations concerning the trials of senior leaders of the Khmer Rouge. It urged Member States to make an active contribution to the process, which would strengthen the rule of law and end the culture of impunity.

19. **Mr. Ablett-Hampson** (New Zealand), speaking on the issue of persons with disabilities, said that the decisions before the Committee would have a direct bearing on the enjoyment of human rights by over 600 million people, namely, the 10 per cent of the world's population that had a disability of some kind. It had taken at least 20 years for the international community to acknowledge, as a human-rights issue, the restrictive conditions under which those people lived, and to acknowledge also that those conditions were a consequence of discrimination. Persons with disabilities were not asking for new or different rights, but rather the right to enjoy all human rights on an equal basis with others. The international community had an opportunity to make up for its past neglect of their rights, and the negotiations on the Convention, described in the Ad Hoc Committee's report (A/59/360), should be concluded as rapidly as possible, but without detriment to the final document. The Committee must ensure that the Convention proved a significant addition to the body of international human-rights law, and his delegation urged the international community to throw its full weight behind the negotiations.

20. **Ms. Abeysekera** (Sri Lanka) said she regretted that the report of the Secretary-General on the protection of human rights and fundamental freedoms while countering terrorism (A/59/404) had not been made available ahead of the meeting. Her country had endured nearly 20 years of conflict involving acts of terrorism and looked forward to seeing the outcome of the report. Having become a party to the seven major human-rights conventions and treaties, her country had demonstrated its determination to uphold human rights. Moreover, it was significant that the agenda for negotiations between her Government and the Liberation Tigers of Tamil Ealam included the requirement that both parties observe human rights.

21. Despite its importance, only a handful of countries had responded to General Assembly resolution 58/193 on globalization and its impact on the full enjoyment of all human rights. Although globalization was likely to have a positive long-term effect, it would heighten inequalities in the short term, especially for vast numbers of people in the world's developing and least developed countries. The international community must recognize the right of everyone to participate in global processes, but should be wary of imposing theories and policies that advocated globalization upon countries whose

economies were not yet ready. It was essential that developed countries assist them in becoming part of the globalization process.

22. With respect to the report on the elimination of all forms of religious intolerance (A/59/366), prepared by the Special Rapporteur of the Commission on Human Rights on the freedom of religion or belief, and its references to a bill on forcible conversion presented to the Sri Lankan Parliament (ibid., paras. 68-71), she wished to emphasize that concerned citizens in her country were entitled to petition the Supreme Court regarding any proposed legislation. Furthermore, in view of the findings of the Supreme Court, the bill in question could not pass into law, as it would not be approved by the requisite two thirds of parliament, or by a popular referendum. The sudden emergence of problems and tensions associated with alleged unethical conversions had been firmly dealt with by the law-enforcement authorities, and the resulting extremist unrest had been condemned by religious leaders, civil society and the Government. Sri Lanka had set up a national advisory council with a view to addressing religious rivalry and other crimes. The low level of violence seen during the country's recent general elections demonstrated that timely preventive action was having a positive impact.

23. **Mr. López** (Cuba) said that, even as the Committee continued to debate and adopt a range of human-rights initiatives, it was clear that a group of developed countries paid scant attention to the idea of promoting human rights through genuine and transparent international cooperation. Those countries would continue to manipulate the various United Nations human-rights bodies in order to satisfy their ambition for power. The cynicism of their statements on human rights and democratic values would be laughable if it did not have such serious consequences. Few peoples had had to struggle so hard and for so long as the people of Cuba to win full enjoyment of their human rights. Seven out of ten Cubans had been born into and lived through the hardships caused by the embargo imposed on his country, which constituted a genuine economic war against the Cuban people.

24. The strengthening of international cooperation in the area of human rights could not be achieved unless founded upon the principles of universality, objectivity, impartiality and non-selectivity. A new and real political will for dialogue and mutual respect among countries of the North and South was imperative. The creation of a social and international order in which all human rights were fully effective was not only called for in the Universal Declaration of Human Rights, it was also of vital importance to mankind.

25. **Mr. Esipila** (Kenya) recalled that the international community had a joint responsibility to uphold recognized human-rights standards in order to achieve peace and justice in the world, and noted that strengthening of national capacities was of paramount importance in that regard. Kenya's Parliament had recently enacted a Persons with Disabilities Act, and his country welcomed United Nations efforts to draft an international convention on persons with disabilities. Kenya's Constitution included a bill of rights, and the country was in the process of introducing broad constitutional reforms aimed at improving people's welfare. It had also implemented a national programme on free and compulsory education, which had brought an unprecedented rise in school enrolments.

26. The functions of the recently established Kenyan National Commission on Human Rights included the investigation of alleged human-rights violations, either at its own initiative or in response to complaints. Moreover, a new Ministry of Justice and Constitutional Affairs spearheaded government efforts in the human-rights field, while a National Commission on Gender and Development had been set up as the focal point for the mainstreaming of gender issues in all sectors of society.

27. Human rights could be enjoyed only in the context of peace and stability, and Kenya therefore called upon the international community to support the peace processes in the Great Lakes and Horn of Africa regions. Regarding the Secretary-General's report on the right to development (A/59/255), he called on the Working Group to continue its efforts to make that right a reality, adding that it was time for the United Nations to draft a convention on that issue. He noted that poverty continued to ravage the people of sub-Saharan Africa, and the problem was exacerbated by the HIV/AIDS pandemic. With respect to the protection of human rights and fundamental freedoms while countering terrorism (A/59/404), Kenya supported the principle that limitations on human rights must not compromise other obligations under international law.

28. **Mr. Zhang** Yishan (China) said that over the past six decades the United Nations had made important contributions to maintaining world peace, encouraging development and promoting human rights around the world. However, non-traditional threats to peace, such

as terrorism, had become increasingly prominent, while the gap between North and South, and the digital divide, were both widening. To fulfil the mission of promoting human rights, the Commission on Human Rights needed to review the past and look into the future. Although the Commission had made many notable achievements, it was generally perceived against the backdrop of major political confrontations, double standards and low credibility. Indeed, it continued to be bound by the cold-war concept. Some countries, for domestic political reasons, had tried to manipulate the Commission. Ignoring such large-scale human-rights violations as foreign military occupation, they wilfully "named and shamed" those developing countries they did not like. As a result, United Nations resources had been wasted, differences between nations had widened and human-rights issues of universal concern did not receive due attention.

29. The starting point for reform in the field of human rights should be the achievement of international cooperation, in accordance with Article 1 of the Charter. The deliberations of the Commission should focus more on human rights at the national level. Each country's social system, level of economic development and cultural background should be taken into account. Dialogue and exchange between countries should be strengthened on the basis of equality and mutual respect.

30. China attached importance to building democracy and the legal system. In March 2004 the National People's Congress had inserted the phrase "the State respects and protects human rights" into its Constitution. China had fulfilled its treaty obligations and had cooperated internationally in the field of human rights. It supported the work of the newly appointed United Nations High Commissioner for Human Rights and wished to reiterate its invitation for her to visit China.

31. **Mr. Gadhavi** (India), referring to the report of the United Nations High Commissioner for Human Rights (A/59/36), said that India's concern at the unstructured proliferation of special mechanisms was well-known. The Secretary-General's repeated calls to rationalize existing special mechanisms had received scant attention. It was not the task of special mechanisms to clarify and elaborate upon the content of human-rights standards, and the special rapporteurs should work strictly within their mandates. His delegation agreed with the High Commissioner that the work of treaty bodies should be streamlined. At the same time, they should focus on the specifics of the treaty addressed by their mandate.

32. On the issue of human rights and development, the High Commissioner, in her report (A/59/36) provided a curious concept of the right to development, expanding that concept beyond the traditional notions of economic growth and progress. The first objective of development must be to eradicate poverty, and economic growth must be people-centred. However, a rights-based approach to development was not the same as mainstreaming the right to development in the promotion of all human rights; the two concepts were distinct.

33. The High Commissioner also proposed that human rights should be supported through country teams. Although his delegation fully supported the work of the Office of the High Commissioner in enhancing human-rights capacities through dialogue with Governments, the idea of incorporating human-rights activities at the country level was quite another matter. It would divert scarce resources from technical cooperation for development, and would be unacceptable to developing countries. Lastly, he noted that India remained firmly convinced that true respect for human rights could be assured only within a political framework that guaranteed democracy and freedom.

34. **Mr. Pak** Tok Hun (Democratic People's Republic of Korea) said the most serious obstacle to efforts by the international community to improve the enjoyment of human rights was the misuse of the human-rights issue as a tool of power politics and a pretext to interfere in countries' internal affairs in order to achieve strategic objectives. Most dangerous was the use of aggression and military occupation while claiming, as the United States had done in Iraq, to be liberating the people from dictatorship and restoring democracy. Illegal armed invasions and the massacre of civilians made a mockery of human rights, as well as fomenting regional conflict and jeopardizing the international order.

35. No country should be allowed to violate another's right to freely determine its own political, economic and social system, as the United States was attempting to do with the North Korean Human Rights Act under the pretext of facilitating "human rights", "democracy" and a "market economy" in the Democratic People's Republic of Korea.

36. He urged Japan to acknowledge responsibility for the crimes against humanity it had committed in Korea.

His delegation was also concerned at the deep-rooted hostility of the Japanese authorities towards other nationals. Japanese offenders received suspended sentences, for example, whereas offenders of other nationalities were immediately imprisoned. Korean residents in Japan were often subjected to violent attacks.

37. In its efforts to ensure human rights, his Government was guided by the Juche idea, a people-centred philosophy that formed the basis for his country's human-rights system. The Democratic People's Republic of Korea had followed its own path despite nearly 60 years of political pressure, economic sanctions and military threats from outside. It intended to further develop its human-rights system and make positive efforts for world justice and the promotion and protection of human rights.

38. **Mr. Tekin** (Turkey) said that, although human rights could not be seen merely as a domestic issue, States had the primary responsibility for their promotion and protection. In that context, Turkey had embarked on wide-ranging reforms based on a comprehensive review of legislation, implementation measures, and the strengthening of international commitments by accession to international human-rights instruments. Civil society had made a major contribution to the effort, and non-governmental organizations were frequently consulted on human rights issues.

39. Since 2001, Turkey had carried out legal reforms aimed at strengthening democracy, the rule of law, and human rights and fundamental freedoms. The death penalty had been abolished; a zero-tolerance policy towards torture was being implemented; freedom of expression, religion and association had been expanded in line with international norms; the independence of the judiciary had been reinforced; the prison system had been reformed; and measures had been taken to eradicate corruption. In addition, a new Civil Code and a new Penal Code had been adopted. Special emphasis was being placed on human-rights education, and joint projects with the Council of Europe and the European Union on human-rights training for security forces and the judiciary were under way.

40. Turkey was now a party to all the principal United Nations international human-rights conventions. Special priority was also attached to increased involvement with human-rights mechanisms within the United Nations system and at the regional level. The reports of those mechanisms reflected the extraordinary progress achieved and neither the war in a neighbouring country nor the impact of international terrorism had impeded efforts in that area.

41. While Turkey had always underlined the destructive effect of terrorism on the enjoyment of human rights, it also believed that counter-terrorism measures should not be used as a pretext for restricting fundamental rights and freedoms. Human-rights violations led to further animosity and, in many cases, violence. Global security and stability were more than ever dependent on genuine efforts to enhance equality, tolerance, respect for human dignity and the rule of law.

42. **Mr. Nebie** (Burkina Faso) said that migrations had always accompanied the political and socio-economic development of nations and continents. Hence, it was a permanent factor that leaders and their people had to incorporate into policies and activities. Migrations added to diversity and embodied the highly valued right to freedom of movement. History was based on migratory flows and, today, few people lived in the same place as their ancestors. The recent history of Africa illustrated the trend: people who used to live together had been separated by colonizers who had erected artificial borders to create micro-States.

43. In 2002, ILO had calculated that there were more than 175 million migrant workers spread throughout the world seeking a better future, but also contributing to the socio-economic development and prosperity of their countries of residence. Nevertheless, they were often negatively affected in times of socio-political crises in those countries.

44. Burkina Faso was concerned by the question of migrants because, owing essentially to its colonial past, many of its nationals resided abroad. By signing and ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, it had reaffirmed its commitment to respect the rights of migrants and it hoped that the visit of the Special Rapporteur on the human rights of migrants, scheduled for February 2005, would not have to be delayed once again.

45. In today's world, it was futile to try and prevent those in need from seeking a better life wherever they thought that might be possible. And it was not sufficient to establish international norms for the protection of migrants; above all, it was necessary to work towards eradicating poverty and inequality.

46. Burkina Faso had always been a hospitable country, and integration and good-neighbourliness were key elements of its foreign policy. It had signed and ratified all the subregional and regional integration treaties, convinced that, for the peoples of Africa, there was strength in unity and that, if the goals of those treaties were attained, Africa would be in a better position to ensure its stability and development.

47. **Mr. Rokolaqa** (Fiji) said respect for and protection of human rights provided a common platform for peace and security at the global level, but conditions conducive to implementation of the human-rights conventions had to be created. The international community also needed to consider how to establish preventive measures should a State party show signs of violating the principles such conventions enshrined.

48. The 1997 Constitution established the Fiji Human Rights Commission to help build a human-rights culture and to investigate allegations of human-rights violations and unfair discrimination in employment. The Constitution also provided for freedom of religion and equal opportunities for all races and peoples of the Fiji Islands.

49. Although Fiji did not have separate legislation on disabilities, it had made significant progress in the elimination of discrimination against persons with disabilities, particularly in the past decade. The 2001 Social Justice Act established affirmative-action programmes to assist disadvantaged groups in achieving equality of access, and included two programmes for persons with disabilities, one with regard to education and the other in the area of coordination of care and rehabilitation. Furthermore, Fiji was making significant progress in implementing some of the targets of the Agenda for Action of the Asian and Pacific Decade of Disabled Persons, 1993-2002.

50. With regard to the Sudan, Fiji noted the persistent abuse of human rights in Darfur and commended United Nations agencies for their work in reaching out to the two million people affected by the catastrophe and the African Union Peace and Security Council for its decision to deploy an expanded force of troops and police in the region. It condemned the atrocities and supported the efforts of the Sudanese Government to seek an urgent and amicable solution to the crisis.

51. **Mr. Hyassat** (Jordan) said that Jordan fully agreed that counter-terrorism measures should always be in line with the principles of necessity and proportionality, and in accordance with international human-rights, refugee and humanitarian law. The creation of an environment where the rule of law and respect for human rights were ensured would help combat terrorism. However, it was also important to address the underlying causes.

52. Jordan welcomed the progress made towards completing a convention on the rights of persons with disabilities and strongly supported the active participation of NGOs in the work of the Ad Hoc Committee established to draft that instrument.

53. His delegation had noted with deep concern the critical situation in the occupied Palestinian territories, owing to the ongoing violations of human rights and international humanitarian law by the Israeli Government, described in the report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied by Israel since 1967 (A/59/256). Israel was obliged to abide by human-rights law in the occupied Palestinian territories and not merely by international humanitarian law, as established in numerous decisions of regional and international human-rights bodies and courts. The International Court of Justice had emphasized that conclusion in its advisory opinion on the legal consequences of the construction of a wall in the occupied Palestinian territory.

54. Jordan called on the Israeli Government to fulfil its obligations in accordance with international law, because it believed that ending the violations, and the violence in general, would create the conditions to achieve a just, comprehensive and lasting peace in accordance with the relevant United Nations resolutions and agreements.

55. **Mr. Tekle** (Eritrea) said that the Eritrean people had been denied the exercise of their right to self-determination by the United Nations when it forcibly federated them with Ethiopia only two years after the adoption of the Universal Declaration of Human Rights. To recover that right, they had fought a bitter war of liberation for 30 years. Consequently, sovereignty and independence were cherished by all Eritreans, who believed that the enjoyment of human rights could be guaranteed only in a sovereign State. They were therefore disheartened that some members of the international community were again seeking to circumvent Eritrean sovereignty and circumscribe their right to determine their internal and external political status and pursue their own political, economic, social and cultural development.

56. The Universal Declaration acknowledged the relationship between peace, democracy and development. Peace was not only about survival but also about life in freedom and dignity, and it could flourish only when States respected each other's sovereignty, territorial integrity and equality, and abided by the international instruments regulating peaceful relations and peaceful conflict resolution. The Eritrean people had suffered great hardships during the last century, owing to war, hunger and disease, and yearned for peace and development, which could only be ensured through commitment to the rule of law and acceptance of the binding decisions of the Arbitration Commissions. Should one of the parties renege on its obligations, those who had been involved in the process had a moral and political responsibility to ensure implementation.

57. The eradication of poverty and access to health and education could be ensured only by development, and the Government of Eritrea had made the achievement of those objectives a priority. It had also taken steps to incorporate the Millennium Development Goals. However, no development was possible without good governance; consequently, the Government had been promoting capacity-building at the grass-roots level, where the people directly elected their law givers, decision makers and magistrates.

58. Terrorism had become a major threat to peace and security and, at times, it was perpetrated by mercenaries at the behest of States, as demonstrated by recent events in Eritrea. Moreover, massive human-rights violations occurred when States were emboldened by the appeasement policies of certain members of the international community. The violators must be punished to avoid sliding into international anarchy.

59. **Archbishop Migliore** (Observer for the Holy See) said that religious beliefs and freedom should be considered positive values and not be manipulated or seen as a threat to peaceful coexistence and mutual tolerance. Religious leaders had a special responsibility in dispelling their misuse or misrepresentation. Similarly, public authorities, legislators, judges and administrators had the obligation to favour peaceful coexistence between religious groups and collaborate with them in the construction of society rather than restricting them, particularly in the case of their efforts in favour of the poorest in society.

60. In the age of globalization, new forms of religious intolerance had emerged. The increased exercise of individual freedoms could result in more intolerance and greater legal constraints on the public expressions of people's beliefs. At times, the right of religious communities to participate in public, democratic debate in the same way as other social forces was being challenged. Moreover, the juridical and legislative approach to religious freedom had tended to empty it of its substance.

61. The contribution of believers to the common good should be fostered, and religious groups should be allowed to work in the social, educational and humanitarian fields while retaining their religious distinction and acting in harmony with their respective missions. Accommodation of religious diversity in the area of public service respected a specific facet of the right to religious freedom and pluralism, and provided a much needed service to the poor and vulnerable. Furthermore, the primacy of the individual conscience was basic to the dignity of the human person.

62. **Ms. Chenoweth** (Food and Agriculture Organization of the United Nations (FAO)) said the Food and Agriculture Organization of the United Nations Intergovernmental Working Group on the Right to Adequate Food had recently adopted a set of voluntary guidelines to support the progressive realization of the right to adequate food in the context of national food security. The guidelines had been submitted to the FAO Council for final adoption. She wished to acknowledge the generous extrabudgetary funding for the work of the Working Group provided by Germany, Norway, Switzerland and Belgium.

63. World Food Day, observed on 18 October on the theme of "Biodiversity for food security", had emphasized the importance of conserving biodiversity for agriculture. Efforts would be required on many fronts, including measures to protect the environment, better education and increased research. As well as support from Governments, FAO continued to count on the collaboration of all its partners, from international organizations to grass-roots community groups.

64. Lastly, she reported that more than 80 developed and developing countries had expressed an interest in organizing national alliances against hunger as part of the International Alliance Against Hunger, launched in 2003.

Statements made in exercise of the right of reply

65. **Ms. Li Wen** (China) said that, at the previous meeting, the representative of the United States had made judgemental statements on the human-rights

situations in a number of countries, but had said nothing about the situation in his own country. Such an attitude was at variance with the current trend towards mutual respect, dialogue and sincere exchanges of views. She suggested that, if the United States really wished to contribute to the defence of human rights, it should engage less in arrogant behaviour and fruitless confrontation and instead more in dialogue and constructive consultation.

66. In recent decades China had made remarkable achievements in the political, economic and human-rights fields and the United States delegation's groundless accusations concerning the human-rights situation in China only revealed its own ignorance and ulterior motives. Any political attempt on the part of the United States to exert pressure on China or interfere in its internal affairs under cover of human rights would be doomed to failure.

67. In response to the statement made on behalf of the European Union at the previous meeting, she said the death-penalty issue was one that should be considered in the context of each country's historical tradition and current reality. There was as yet no consensus on the issue and views diverged even within countries where the death penalty had been abolished.

68. **Mr. Chushev** (Belarus) said his delegation agreed with China's position regarding the approach adopted by the European Union and the United States, among others, with respect to the fulfilment of international human-rights obligations. In a world of peoples with a variety of traditions it was not possible to apply a single scale of measurement. Human rights could not be expected to imply uniform behaviour on the part of all States. Attempts to curtail the sovereignty of States or to distort facts were no basis for the successful realization of human rights. He therefore thanked China and the other Member States which had approached the question with understanding and from the standpoint of the equality of States.

69. He said the recent elections and referendum in Belarus could not be viewed in a broader context. There was no justification for other States submitting draft resolutions on the implementation of human rights in individual countries, and such action was not in keeping with the ideals of the United Nations.

70. **Mr. Kitaoka** (Japan), in response to the statement made by the Democratic People's Republic of Korea, said his delegation's position concerning past issues was as indicated in the Japan-Democratic People's Republic of Korea Pyongyang Declaration of September 2002. Japan requested that the Democratic People's Republic of Korea also take sincere measures to resolve outstanding issues, based on that Declaration.

71. **Ms. Zack** (United States of America) said several delegations had levelled accusations at the United States. Her delegation did not wish to enter into a discussion on those points but would like to state that the facts and the record spoke for themselves.

72. **Mr. Taranda** (Belarus), speaking in exercise of the right of reply, said that his delegation categorically disagreed with the statements of the representatives of the United States and of the Netherlands on behalf of the European Union as having no basis in fact. The parliamentary elections which had taken place in Belarus had demonstrated the support of its people for the strengthening of its democratic institutions. The Government had made every effort to ensure that the elections were conducted in a democratic and open manner in accordance with its international obligations. International observers from the Commonwealth of Independent States and over 50 countries and several international organizations had monitored those elections.

73. In response to the disappointment expressed by the representative of the United States, he pointed out that in 2004, inadequacies and inequalities in the American electoral system had been revealed. The use of electronic voting had led to the exclusion of minority voters. Therefore, the elections in the United States could not be considered beyond reproach.

The meeting rose at 5.35 p.m.